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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,638	03/29/2001	Dan Martin Scott	09090.0003-01000	5708

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EXAMINER

AMINI, JAVID A

ART UNIT PAPER NUMBER

2672

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/821,638

Applicant(s)

SCOTT ET AL.

Examiner

David A. Amini

Art Unit

2672

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Examiner copied and pasted some portion of the response to arguments that Applicant filed on 5/4/2004, for Applicant's reconsideration. The following materials apply to the remarks that Applicant filed on 9/16/2005, as follows:

Sometimes a statement is quite apparent, and it's possible to cover multiple elements. For example: the claim elements are:

- a. Creating a mathematical georeferencing function
- b. For assigning appropriate geographic coordinates
- c. One of a plurality of pixel locations

Analysis of "a-c" sections of the claim elements: Creating a mathematical georeferencing function involves parameters of transformation between the x-y domain and the latitude-longitude domain. Eppler in col. 1 lines 29-32 teaches that parameters can be derived by fitting line and pixel image coordinates (i.e. x-y domain) of salient features, or landmarks, to their known latitude, longitude (i.e. georeferencing domain), and height on the Earth. Also in col. 2 lines 19-23 teaches a list of coordinates for landmark boundary vertices (Examiner's interpretation: more than one point, that is a pair of point) of the corresponding landmark stored in the database is processed through a mathematical model (Examiner's interpretation: it's similar to mathematical function) of the imaging system to generate absolute coordinates (i.e. assigning geographic coordinates into x-y coordinates of the pixels) of the boundary pixels of the landmark.

Note: In order to overcome the prior arts, Applicant may emphasis on type of mathematical function and how the parameters are assigned to the corresponding locations, on top of all that, what would be the advantages of current method over the prior arts' method? Examiner's reply: Applicant should be studying carefully fig. 4 of Eppler from number 40 to number 50, and showing by attentiveness to all aspects and details of numbers 42-43.

Applicant argues that the Examiner has failed to show a teaching in the references of every element of claim 1.

Examiner's reply: Examiner cited references to Applicant; it's meant Examiner presents the entire information on every page of the cited references.

Applicant argues that the second reference Schipper does not teach the last element of claim 1 that is: revising a mathematical georeferencing function. Meaning modify the mathematical function. Schipper in col. 14 lines 8-12 teaches the b-coefficients b11, b12, b21 and b22 (see equation 95) will change as soon as one or more of the locations of the landmarks L1 and/or L2 changes.


Note: In order to overcome the prior arts, Applicant may emphasis on type of revisions or changes? Because any type changes or revisions considers similar to claim element of claim 1.

Applicant on page 10 of the specification lines 15-17 discloses that "according to the preferred embodiment, georeferencing function are done by using a "least square" parameter fitting operation. In similar matter, Eppler in col. 6 lines 5-12 teaches the determination by a least-squares fit of landmarks measured on previous images frames. The absolute coordinates of the landmark boundary pixels along with the absolute coordinates of the upper left corner of the image patch are supplied to an upsample and rasterizing algorithm 22 which upsamples (magnifies) and rasterizes the boundary and area of the candidate landmark (see fig. 2 steps 22-23).

Also the second reference Schipper in col. 13 lines 33-45 teaches the absolute minimum solution for the location coordinates of the "center" (x0,y0) of the linear transformation and the transformation coordinates a11, a12, a21 and a22 that provides the "best possible" transformation (in the least squares sense) in carrying the LDS-determined landmark locations (xi,yi) into the landmark locations (xi',yi') on the old map. The user location coordinates (xu',yu') on the old map are then determined by the equations.

Examiner's reply: Schipper in col. 13 lines 33-45 teaches the absolute minimum solution for the location coordinates of the "center" (x0,y0) (i.e. a pair point) of the linear transformation and the transformation coordinates a11, a12, a21 and a22 that provides the "best possible" transformation (in the least squares sense) in carrying the LDS-determined landmark locations (xi,yi) (i.e. a pair point) into the landmark locations (xi',yi') (i.e. a pair point) on the old map. The user location coordinates (xu',yu') (i.e. a pair point) on the old map are then determined by the equations.

Examiner is willing to schedule an interview with Applicant.


JEFFERY BRIER
PRIMARY EXAMINER